

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVAN MIRANDA and EVELYN PEREZ,	:	
	:	
Plaintiffs,	:	24-CV-9792 (JAV)
	:	
-v-	:	<u>ORDER</u>
	:	
YORKHILL HOUSING INC.,	:	
	:	
Defendant.	:	
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JEANNETTE A. VARGAS, United States District Judge:

On March 21, 2025, Plaintiff Evan Miranda submitted a letter to the Court which raises the issue of Evelyn Perez’s capacity to represent her own interests due to the onset of dementia. ECF No. 17 at 1. By Order dated April 1, 2025 (ECF No. 20), the Court indicated that it required more information regarding Defendant Evelyn Perez’s capacity to determine if the appointment of a guardian ad litem may be appropriate under Rule 17(c) of the Federal Rules of Civil Procedure.

The Court directed Plaintiffs “to come forward with medical records evidencing Ms. Perez’s diagnoses as they pertain to her ability to prosecute and defend her rights and interests, including, if applicable, a declaration from a treating physician who can attest to Ms. Perez’s (1) diagnoses, (2) capacity to make decisions, (3) ability to understand legal proceedings, and (4) any other information relevant to whether she can represent her own interests. If Ms. Perez has already been appointed a guardian or conservator, the submission should identify the individual who has been appointed to act on Ms. Perez’s behalf.” *Id.*


On April 29, 2025, Plaintiff Evelyn Perez submitted a response to the April 1 Order, but it did not contain any medical records or information sufficient to establish that Ms. Perez lacked

the mental or physical capacity to protect her interests in this suit. In an Order dated May 13, 2025 (ECF No. 25), the Court granted Plaintiffs an additional opportunity to submit the requested medical evidence. The Court noted that if such evidence was not received by **June 12, 2025**, Ms. Perez would be required to either represent herself in this proceeding or have counsel appear on her behalf.

The Court has not received any additional submissions from Plaintiffs regarding Ms. Perez's medical condition or her mental and physical capacity. Additionally, counsel has not appeared on Ms. Perez's behalf. Accordingly, Ms. Perez is deemed to be proceeding *pro se* in this action.

SO ORDERED.

Dated: July 14, 2025
New York, New York



JEANNETTE A. VARGAS
United States District Judge